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VIA ECF FILING

The Honorable Martin Glenn
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
Alexander Hamilton Custom House
One Bowling Green
New York, New York 10004

RE: In re Motors Liquidation Company, et al., Case No. 09-50026 (MG)

Dear Judge Glenn:

We write on behalf of the Ignition Switch Plaintiffs, certain Non-Ignition Switch Plaintiffs, and certain Ignition Switch Pre-Closing Accident Plaintiffs (collectively, the "**Plaintiffs**"), consistent with this Court's directive¹ to provide the Court an update on the Late Claims Motions, and proposed next steps.

The parties met and conferred on January 26, 2018,² and Plaintiffs shared that Plaintiffs and the Participating Unitholders are focused, first and foremost, on doing whatever may be appropriate and necessary to revive the settlement agreement that was the subject of this Court's Enforcement Order. Obviously, if that joint effort is successful, it would obviate the Late Claims Motions.

As we informed the parties to the meet and confer, it was Plaintiffs' view that removal of Wilmington Trust Company (or certain of its officers) as trustee and trust administrator of the GUC Trust and/or Gibson Dunn & Crutcher, LLP, as counsel for the GUC Trust, was imperative, and presents a gating issue before scheduling the Late Claims Motions. Stated simply, it was our view

¹ See this Court's January 18, 2018 Memorandum Opinion and Order Regarding Motion to Enforce ("**Enforcement Order**"), directing the parties to "draft a proposed schedule for completing discovery, briefing and hearings of the Late Claims Motions."

² Participating on the call were all three MDL Court-appointed lead counsel as well as designated counsel to the Plaintiffs, counsel for the Participating Unitholders and counsel for New GM. The GUC Trust participated on the call through its counsel, Gibson Dunn & Crutcher LLP, as well as its newly appointed co-counsel, Drinker Biddle & Reath LLP.

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that it would be inappropriate to have to negotiate a scheduling order or gear up for discovery and litigation against the GUC Trust as then administered and/or represented.³

Since the meet and confer, we understand that certain events have transpired that the Plaintiffs believe will have a positive and meaningful impact on these cases and next steps. Specifically, we understand that Gibson Dunn & Crutcher's retention as counsel for the GUC Trust has been terminated and that Drinker Biddle & Reath LLP has been retained as replacement counsel. In addition, it is our understanding that certain changes to senior leadership at Wilmington Trust responsible for the GUC Trust have been effectuated. Given these reported changes, Plaintiffs understand that new counsel and its client will require some additional time to get up to speed. Plaintiffs firmly believe that these recent developments will allow the Plaintiffs and the Participating Unitholders to work toward promptly reviving the Settlement Agreement and avoid time consuming, expensive and uncertain litigation.

In light of these developments, and likewise, given that the GUC Trust and New GM have extended the Forbearance Agreement without setting it for hearing, and that it may expire on its terms on February 28, 2018, Plaintiffs respectively submit that the parties' and the Court's resources may best be served by adjourning the February 22nd Court conference to the Court's earliest availability after March 7, 2018, and respectively request that the Court adjourn the conference accordingly.⁴ Concurrently, the Plaintiffs will continue to work constructively with counsel for the Participating Unitholders on a pathway forward on the Late Claims Motions that best seeks to avoid protracted and costly litigation.

We are available at the Court's convenience should Your Honor wish to further discuss this matter.

Respectfully submitted,

/s/ Edward S. Weisfelner

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³ Our view was informed by this Court's finding that "the GUC Trust and its counsel acted in bad faith," including its bad faith in connection with discovery, and that trial testimony of the GUC Trust's witnesses "was not credible" and was contradicted by documents and prior statements. See Enforcement Order at p. 7 n. 4; see also id. at pp. 55, 64-65.

⁴ Such an adjournment would also accommodate my schedule as I am unavailable March 5 – 6, 2018.



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cc: Counsel of Record via CM/ECF